

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No.12193 of 2018 (O&M)

Date of decision : 03.10.2018

Baljeet Singh alias Vicky

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Akshit Aggarwal, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J.

CRM No.34663 of 2018

This application is for placing on record Annexures P-3 and P-4.

Application is allowed and Annexures P-3 and P-4 annexed with the application are taken on record.

CRM-M No.12193 of 2018

This petition has been filed by petitioner Baljeet Singh alias Vicky under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail in case FIR No.199 dated 27.09.2017 under Sections 324, 323, 34 of the Indian Penal Code, 1860 (for short – 'IPC') and also Section 307 IPC (which has been added later on), registered at Police Station Maur, Distt. Bathinda.

Learned counsel for the petitioner submits that initially the FIR was registered under Sections 323, 324 and 34 IPC and Section 307 IPC was added later on. Neither the name of the petitioner was mentioned in the FIR nor any description was given. There is no evidence available on the file to connect the petitioner with the alleged offence. Learned counsel also submits that the petitioner has been implicated in the case due to previous enmity between the parties. Now a compromise has been arrived at between the parties. Nothing is to be recovered from the petitioner. He is in custody since 27.10.2017. Trial may take long time to conclude and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the custody period undergone by the petitioner and also the factum of compromise arrived at between the parties as well as the fact that name of the petitioner is not mentioned in the FIR.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR.

Admittedly, the petitioner was not present at the place of occurrence and subsequently a compromise was arrived at between the parties during pendency of the proceedings. Complainant has no objection in case bail is granted to the petitioner. Copy of the compromise has also been placed on record which has been signed by both the parties.

Accordingly, by considering the fact that compromise has been arrived between the parties and also the fact that neither the name of the petitioner was mentioned in the FIR nor anything has been mentioned

specifically to show his involvement; he is in custody since 27.10.2017; the trial may take long sufficient time to conclude and no purpose would be served by keeping him in custody, the petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

03.10.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No